

Message Text

UNCLASSIFIED

PAGE 01 PRETOR 00751 171645Z
ACTION AF-08

INFO OCT-01 EUR-12 IO-13 ISO-00 DHA-02 OMB-01 CIAE-00
DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-02
PRS-01 SP-02 SS-15 USIA-15 /093 W
-----171855 080635 /46

R 171516Z FEB 77
FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 6876
INFO AMCONSUL CAPE TOWN
AMCONSUL DURBAN
AMEMBASSY LONDON
AMCONSUL JOHANNESBURG
USMISSION USUN NEW YORK

UNCLAS PRETORIA 0751

CAPE TOWN FOR EMBASSY

E.O. 11652: N/A
TAGS: WA, PINT, SHUM, SF
SUBJ: NAMIBIA: SUPREME COURT HEARS SWAKOPMUND TRIAL AND
SENTENCE APPEAL

REF: PRETORIA 4013,

1. APPELLATE DIVISION OF SOUTH AFRICAN SUPREME COURT HEARD
APPEAL FEBRUARY 15-16 IN BLOEMFONTEIN AGAINST CONVICTIONS AND
DEATH SENTENCES FOR AARON MUSHIMBA AND HENDRIK SHIKONGO
(APPELLANTS 1 AND 2), 7-YEAR SENTENCE FOR RUANA NAMBINGA
(APPELLANT NO. 3), AND 5-YEAR SENTENCE FOR ANNA NGIHONDJWA
(APPELLANT NO. 4). ALL CONVICTED AT SWAKOPMUND, NAMIBIA,
ON MAY 12, 1976, UNDER THE TERRORISM ACT. POLITICAL OFFICER
BALTIMORE ATTENDED. COURT RESERVED JUDGEMENT UNTIL SPECIFIED DATE.

2. DEFENSE ATTORNEYS BEGAN FEB 15 SESSION WITH SPECIAL ENTRY FOR
ALL APPELLANTS RELATING TO BREACH OF PRIVILEGE RESULTING FROM
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 PRETOR 00751 171645Z

POLICE INFILTRATION OF DEFENSE FILES DURING TRIAL. WINDHOEK
SUPREME COURT HAD PREVIOUSLY ALLOWED ENTRY. DEFENSE ALSO
ARGUED FOR TWO SPECIAL ENTRIES FOR SHIKONGO IN CONNECTION WITH
LOWER COURT FAILURE TO CONDUCT INSPECTION IN LOCO AND REFUSAL
TO CALL WITNESSES. PROSECUTION ADVANCED STATE CASE AFTER
DEFENSE COMPLETED ARGUMENTS AGAINST CONVICTION AND SENTENCE
OF ALL APPELLANTS EXCEPT NO 4 FOR WHOM APPEAL MADE AGAINST CON-

VICTION ONLY ON MERITS. DEFENSE EXERCISED BRIEF RIGHT OF REPLY
AT CONCLUSION OF FEBRUARY 16 SESSION.

3. DEFENSE ATTORNEYS ARE OPTIMISTIC OVER OUTCOME. ONE ATTORNEY
SPECULATED FAVORABLE RULING ON MERITS FOR APPELLANTS 1, 3 AND 4
AND RELEASE OF NO. 2 UNDER BREACH OF PRIVILEGE SPECIAL ENTRY.
THREE-MAN COURT HAMMERED STATE OVER BREACH OF PRIVILEGE
QUESTION AND APPEARED VISIBLY DISPLEASED WITH STATE CASE.
NO DATE SET FOR ISSUANCE OF JUDGEMENT.

4. AIRGRAM ON PROCEEDINGS TO FOLLOW.
BOWDLER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COURT PROCEEDINGS, COURT DECISIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 17-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PRETOR00751
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770057-0519
Format: TEL
From: PRETORIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770232/aaaabbwy.tel
Line Count: 74
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 5b9d17c5-c288-dd11-92da-001cc4696bcc
Office: ACTION AF
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 PRETORIA 4013
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 24-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3295668
Secure: OPEN
Status: NATIVE
Subject: NAMIBIA: SUPREME COURT HEARS SWAKOPMUND TRIAL AND SENTENCE APPEAL
TAGS: PINT, SHUM, WA, SF, (MUSHIMBA, AARON), (SHIKONGO, HENDRIK)
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/5b9d17c5-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009